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The rule of law at the national and international levels

Letter dated 16 August 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to statements made by the President of the Republic of Nicaragua, Daniel Ortega, which seriously threaten Costa Rica's integrity and sovereignty and violate fundamental principles of international law.

In that respect, I have the honour to transmit herewith a copy of the protest note dated 14 August 2013 from Gioconda Ubeda Rivera, Minister for Foreign Affairs a.i. of Costa Rica addressed to Samuel Santos López, Minister for Foreign Affairs of Nicaragua (see annex).

I request that the content of the present letter and its annex be circulated to all States Members of the United Nations as a document of the sixty-seventh session of the General Assembly, under agenda item 83.

(*Signed*) Saúl **Weisleder**
Chargé d'affaires a.i.

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Annex to the letter dated 16 August 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

Yesterday, 13 August 2013, the President of the Republic of Nicaragua, Daniel Ortega, delivered an address marking the thirty-third anniversary of Nicaragua's Naval Force, in which, he said, inter alia, that Nicaragua intended to reclaim sovereignty over the Costa Rican province of Guanacaste, and that he was considering bringing a case before the International Court of Justice for that purpose.

Such statements by the President of Nicaragua severely damage relations between our two nations. They constitute a serious disavowal of and disregard for the Treaty of Limits between Costa Rica and Nicaragua of July 1858, the basic instrument governing relations between Costa Rica and Nicaragua. The President of Nicaragua is well aware that his country has clearly recognized the province of Guanacaste as Costa Rican territory for more than a century and a half, pursuant to that treaty. The President of the sister Republic of Nicaragua also knows that the International Court of Justice explicitly acknowledged that fact in its judgment of 13 July 2009: "The 1858 Treaty of Limits fixed the course of the boundary between Costa Rica and Nicaragua from the Pacific Ocean to the Caribbean Sea. According to the boundary thus drawn the district of Nicoya lay within the territory of Costa Rica" (*Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua), Judgment, I.C.J. Reports 2009*, p. 213). These extremely serious statements by President Ortega are in no way conducive to the peaceful and harmonious coexistence which Costa Ricans and Nicaraguans want.

My country and my Government deplore this new offensive stance adopted by Nicaragua, which reflects that country's policy of disavowal of and disregard for the 1858 Treaty of Limits, a policy that has already been demonstrated by its occupation of and subsequent claim over a portion of Costa Rican territory in Isla Portillos and the violation of Costa Rica's long-standing right of free navigation on the San Juan River, among others. Threats like those of yesterday against the integrity and sovereignty of Costa Rica openly violate not only the 1858 Cañas-Jerez Treaty of Limits but also fundamental principles of international law, including respect for territorial integrity and stability of borders. Moreover, they deeply harm the historical ties shared by our two nations and severely aggravate the outstanding disputes between them.

Consequently, my Government hereby protests, in the strongest possible terms, and demands that Nicaragua cease all attempts to claim Costa Rican territory and that it fully comply with the legal instruments governing our border and neighbourly relations.

As my Government has previously demonstrated, it has been willing to enter into a frank dialogue that would lead to concrete results, but such dialogue must be subject to Nicaragua's full compliance with the decisions of the International Court of Justice and with international law.

Costa Rica is willing to enter into a dialogue on the situation of maritime spaces in the Caribbean Sea and the Pacific Ocean. Costa Rica is willing to listen to what Nicaragua has to bring to the negotiating table, but it will not in any way allow the existing borders and border regime to be called into question, or agree to be

compelled to enter into any negotiations over the indisputable territory of the Republic of Costa Rica.

I wish to point out to the Government of Nicaragua that the extremely serious statements made by its President aggravate the dispute which Costa Rica submitted to the International Court of Justice on 18 November 2010 and violate the provisional measures indicated by that Court in its judgment of 8 March 2011.

(*Signed*) Gioconda **Ubeda Rivera**
Minister a.i.